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10 LARRY TOTTEN, JOSE MORENO, in their) capacities as Trustees of the)
11 LABORERS HEALTH AND WELFARE TRUST) FUND FOR NORTHERN CALIFORNIA;
12 LABORERS VACATION-HOLIDAY TRUST) FUND FOR NORTHERN CALIFORNIA;
13 LABORERS PENSION TRUST FUND FOR) NORTHERN CALIFORNIA; and LABORERS) TRAINING AND RETRAINING TRUST FUND)
14 FOR NORTHERN CALIFORNIA,)
15 Plaintiffs,)
16 v.)
17)
18 ALEX PEGUES, individually; ROGER)
19 PITCHER, individually; ALEX PEGUES) and ROGER PITCHER, individually and)
20 dba C&C MAINTENANCE SERVICE and C&C) MAINTENANCE SERVICE,)
21 Defendants.)

No. C-05-4307-SC

ORDER EXTENDING TIME
FOR FILING AN
OPPOSITION AND REPLY

22 Plaintiffs Larry Totten et al. ("Plaintiffs") filed this
23 action against Defendants Alex Pegues, both individually and dba
24 C&C Maintenance Service ("Defendants"), alleging causes of action
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1 for ERISA¹ violations.²

2 Presently before the Court is Plaintiffs' motion for summary
3 judgment. Defendants have not filed an opposition, though they
4 were served with a copy of the motion and given adequate time to
5 respond to it.

6 In the interest of justice, the Court GRANTS Defendants
7 thirty days from the date of this Order to file a motion opposing
8 Plaintiffs' motion for summary judgment. Plaintiffs will have ten
9 days from the date Defendants file their opposition to file a
10 reply brief.

11 The trial date of September 11, 2006 is hereby VACATED. The
12 Court, if necessary, will set a new trial date at the appropriate
13 time.

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IT IS SO ORDERED.

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Dated: August 24, 2006

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¹ The Employee Retirement Security Act, 29 U.S.C. § 1001 et seq.

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² Plaintiffs dismissed Roger Pitcher as a defendant. See Docket Nos. 15 and 16.

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UNITED STATES DISTRICT JUDGE